BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

JAMES E. EAKER)
Claimant)
VS.)
) Docket No. 219,173
PROFICIENT FOOD COMPANY	,)
Respondent)
AND)
)
TRANSPORTATION INSURANCE COMPANY)
Insurance Carrier)

ORDER

Respondent and its insurance carrier appeal the September 9, 1999 preliminary hearing Order entered by Administrative Law Judge Julie A. N. Sample.

ISSUES

The ALJ granted claimant's request for post award medical treatment. Respondent appeals contending claimant's current condition requiring treatment did not arise out of and in the course of claimant's employment with respondent.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

On August 31, 1998 and September 8, 1998 the ALJ entered an Award and an Order Nunc Pro Tunc, respectively. Both were appealed and the Board issued its decision on September 28, 1999. The ALJ awarded claimant benefits based upon a whole body disability for injuries to both claimant's right and left upper extremities. On appeal, the Board found that claimant's work with a subsequent employer after his employment with respondent had ended was an intervening cause of his worsened condition and, as such, the right upper extremity injury was not compensable. An award was entered for a scheduled injury to the left forearm.

The post award Order for medical treatment was entered September 9, 1999. This was before the Board's Order finding claimant's right upper extremity injury was not compensable as a direct and natural consequence of the original injury to the left upper extremity. As the ALJ's Order for post award medical treatment does not specify what injuries are to be treated, the Board will modify that Order to limit treatment to the left upper extremity only.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the September 9, 1999, Order by Administrative Law Judge Julie A. N. Sample should be, and is hereby, modified to grant medical treatment for only the left arm.

IT IS SO ORDERED.	
Dated this day of Oc	tober 1999.
	BOARD MEMBER
	BOARD MEMBER
	BOARD MEMBER

c: Michael R. Wallace, Shawnee Mission, KS Michael T. Halloran, Leawood, KS Julie A. N. Sample, Administrative Law Judge Philip S. Harness, Director